



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: 1648
Pablo D. GARCIA <i>et al.</i>)	
)	Examiner: Humphrey, L.
Serial No. 10/016,604)	
)	Atty. Dkt. PP016466.0002
Filed: December 7, 2001)	CONFIRMATION NO. 6543

For: ENDOGENOUS RETROVIRUSES UP-REGULATED IN PROSTATE CANCER

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed November 14, 2007, for which a response is initially due on or before December 14, 2007. Accordingly, an extension of time in which to respond is requested and the requisite fee accompanies this response.

In response to the restriction requirement set forth in the Office Action mailed November 14, 2007, *Applicant hereby elects with traverse SEQ ID NO: 26 for examination of claims 1, 3-6, 10, 13-15 and 39-113.*

The Examiner has required restriction to one single sequence from the multiple nucleotide sequences in the pending claims which were described by the Examiner as structurally distinct chemical compounds and unrelated to one another.

Applicant wishes to point out that independent claim 77 and dependent claims 78, 79, 83, 85, 86 and 88 do not recite any specific sequence with particular SEQ ID NO, therefore Applicant believes that the required restriction does not apply to these claims.

Furthermore, Applicant wishes to explain to the Examiner how some of the recited multiple sequences are related to each other and request that at least several sequences be

examined together with SEQ ID NO: 26.

SEQ ID NOS: 14-39 are related to each other in that they are sequences obtained from the same HERV isolate, HERV-K (CH), a member of the HML-2 subgroup. See the specification on page 37, line 20, and page 37, lines 1-6. Furthermore, SEQ ID NOS: 7-10 are composites of various members of SEQ ID NOS: 14-26 (see page 89, TABLE 8 of the specification), thus related to SEQ ID NOS: 14-26.

In particular, SEQ ID NOS: 21-26 and 34-39 are overlapping sequences from the same region of HERV-K (CH), 3'-end of pol (see FIGURE 1 and its description on page 71, lines 8-9, cross-referenced with page 90, TABLE 8). SEQ ID NO: 10 is the composite sequence of SEQ ID NOS: 21-26 (see page 89, TABLE 8). SEQ ID NOS: 17-20 and 30-33 are overlapping sequences from another region of HERV-K (CH), 5'-end of pol (see FIGURE 1 and its description on page 71, lines 8-9, cross-referenced with page 90, TABLE 8). SEQ ID NOS: 8 and 9 are the composite sequences of SEQ ID NOS: 17-20 (see page 89, TABLE 8). SEQ ID NOS: 14-16 and 27-29 are overlapping sequences from yet another region of HERV-K (CH), gag (see FIGURE 1 and its description on page 71, lines 8-9, cross-referenced with pages 89-90, TABLE 8). SEQ ID NO: 7 is the composite sequence of SEQ ID NOS: 14-16 (see page 89, TABLE 8).

The sequences from the common regions overlap with one another over significant lengths (see FIGURE 1), and they are highly homologous with one another in the overlapped regions.

Applicants requests that the Examiner examines at least SEQ ID NOS: 10 and 21-25 together with SEQ ID NO:26. SEQ ID NOS: 21-26 are overlapping sequences from the same region, 3'-end of pol, of HERV-K (CH). As shown in FIGURE 1 and its description on page 71, lines 8-9; cross-referenced with page 90, TABLE 8, SEQ ID NOS: 21-26 are the sequences of 6 cloned fragments that overlap with one another over significant lengths and are all mapped to 3'-end of the pol region of HERV-K (CH). SEQ ID NO: 10 is the composite sequence of SEQ ID NOS: 21-26, therefore related to them.

In addition to their overlapping and commonly mapped region of the same HERV isolate,

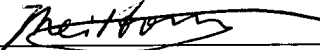
SEQ ID NOS: 10 and 21-26 are related to one another because they share great sequence homologies with one another. A sequence comparison will reveal that the sequence identity between any one of SEQ ID NOS: 21-25 and SEQ ID NO: 26 is greater than 99% in the overlapped region, excluding the poly-A tails at 3'-end. SEQ ID NO: 10, the composite sequence of SEQ ID NOS: 21-26, also shares high homologies with SEQ ID NO: 26 and any of SEQ ID NOS: 21-25.

For at least the above-presented reasons, Applicant believes that because of the relatedness of this group of sequences, SEQ ID NOS: 10 and 21-26, a search of more than one of the sequences in this group will not present an undue burden on the Patent and Trademark Office or the Examiner.

The Commissioner is hereby authorized to charge any fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 03-1664. This however is not an authorization to pay the issue fee.

Respectfully submitted,

Date: February 7, 2008

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